

Before the Board of Zoning Adjustment, D. C.

Application No. 11424 of William Penn Construction Company, Inc., for a variance from the use provisions: front yard requirements; rear yard requirements; side yard requirements; minimum lot width requirements of the R-2 District, and for parking in front of a building for the erection of row and semi-detached dwellings on Lots 21-41, in Square 3766, located in the rear of 4700 and 4800 blocks of 7th Street, N.E.

HEARING DATE: July 18th, 1973

EXECUTIVE SESSION: July 24th, 1973

FINDINGS OF FACT:

1. The property is located in a R-2 District.
2. The development plan submitted for approval provided for 82 houses to be built.
3. The applicant also introduced two additional sets of plans for the development of the property, one for 75 houses and another for 102 houses.
4. Mr. James E. Banks assistant to the Mayor approved the plan for 82 houses.
5. The Department of Highways and Traffic submitted a statement of intent to redirect traffic from Buchanan & Emerson Streets, N.E., to 6 Street, N.E. & Puerto Rico Street, N.E., where the property in question is bordered by a commercial area.
6. The applicant contends that his request for a variance is based on a hardship. Because of lands topography (5% grade elevation) requires clustered type housing in order to prevent soil erosion and that housing plan submitted will cut off winds which tend to move across the land.

7. The applicant also contends that truck traffic on 6th Street is such that housing clustered in the manner proposed will lessen complaints of noise by future home owners.

8. The applicant contends that this housing plan furnishes an answer to proposed redirecting of truck traffic from Buchanan and Emerson Streets, N.E., to 6th & Puerto Rico Streets, N.E.

9. Opposition was registered by three gentlemen for themselves and as representatives of the Upper Northeast Coordinating Council.

10. Homeowners residing in the community of the proposed housing plan submitted a petition of 100 signatures against granting of a variance.

11. The objections raised by the Northeast Coordinating Council were not against developing of the land, but against the particular plan submitted by the applicant which they claim will congest the area in which they live and as a result change the character of their neighborhood.

12. The Northeast Coordinating Council also contends that the applicant who has already begun constructing several houses and has left dirt and debris scattered in the streets near the construction.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, we are of the opinion that the applicant has not proved the existence of hardship necessary for granting a variance as required by Section 8207.11 of the Zoning Regulations. The hardship which the applicant alleges has not been shown to uniquely affect the applicant's property as required, Palmer v. Board of Zoning Adjustment, D. C. App., 287 A. 2d 535 (1972).

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ORDERED:

THAT THE ABOVE APPLICATION BE DENIED.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

Attested By: _____

James E. Miller
JAMES E. MILLER

Secretary of the Board

FINAL DATE OF THE ORDER:

SEP 5 1973